

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**August 24, 1999**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF INTERMEDIA</b>	)	<b>DOCKET NO. 99-00289</b>
<b>COMMUNICATIONS, INC. FOR APPROVAL OF</b>	)	
<b>AN INTRALATA TOLL DIALING PARITY PLAN</b>	)	

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**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY  
IMPLEMENTATION PLAN**

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This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Intermedia Communications, Inc. ("Intermedia") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.<sup>1</sup> Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

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<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

**FILE**

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.<sup>2</sup> On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.<sup>3</sup>

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Intermedia is a telecommunications company operating under Tenn. Code Ann. § 65-4-201 as a competitive local exchange carrier that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, Intermedia is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in

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<sup>2</sup> FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

<sup>3</sup> AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

Tennessee where service is provided.<sup>4</sup> This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.<sup>5</sup>

Intermedia filed an intraLATA toll dialing plan on April 22, 1999 with a final amendment on June 23, 1999. The Plan as amended, attached hereto as Exhibit A, is fully incorporated herein by this reference.

The Directors considered this plan at the July 13, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.<sup>6</sup> The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the Intermedia Communications, Inc. intraLATA toll dialing parity implementation plan, as amended, with the requirement that the petitioners comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

**IT IS THEREFORE ORDERED THAT:**

1. The amended Plan of Intermedia Communications, Inc. for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and incorporated in this Order as if fully rewritten herein;

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<sup>4</sup> Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

<sup>5</sup> Pre-subscription allows the customer to place a call without dialing an access code.

<sup>6</sup> FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

2. Intermedia Communications, Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

  
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Melvin J. Malone, Chairman

  
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H. Lynn Green, Jr., Director

  
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Sara Kyle, Director

ATTEST:

  
\_\_\_\_\_  
K. David Waddell, Executive Secretary

REC'D TN  
REGULATORY AUTH.

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OFFICE OF THE  
EXECUTIVE SECRETARY

**Revised Plan - Tennessee**

**Application of Intermedia Communications, Inc.  
for Approval of IntraLATA Toll Dialing Parity Plan  
Pursuant to FCC Order FCC 99-54, CC Docket No. 96-98,  
Released March 23, 1999**

**Intermedia Communications, Inc.**

**June 22, 1999**

**Intermedia Communications, Inc.**  
**IntraLATA Toll Dialing Parity Plan**

**I. OBJECTIVE/PURPOSE**

In Compliance with the Federal Communications Commission ("FCC") rules delineated in 47 C.F.R. Sections 51.207 through 51.215, Intermedia Communications, Inc. ("Intermedia" or "the Company") files its plan for implementing intraLATA toll dialing parity ("the Plan") in the areas of the State in which the company is certified to provide local exchange service. Intermedia currently operates in the Nashville and Memphis LATA, specifically in the Nashville, Memphis, and Franklin exchanges. This is where Intermedia will implement intraLATA dialing parity.

The intent of the Plan is to permit customers to route intraLATA toll calls automatically without the use of access codes, to any interexchange carriers ("IXC") of the customer's choice (e.g., IXCs that have established themselves as access customers under Intermedia's Access Services Tariff). IntraLATA toll calls are 1+ and 0+ calls that terminate outside of your local calling area but not in areas normally served by long distance companies (i.e. state-to-state calls).

Intermedia will comply with all rules and regulations of the Federal Communications Commission and the Tennessee Regulatory Authority. Intermedia will provide nondiscriminatory access to all telephone numbers and directory listings.

**II. IMPLEMENTATION SCHEDULE AND COST RECOVERY**

Intermedia intends to offer dialing parity for intraLATA toll calls within 30 days after the state commission approves its implementation plan. At the time of implementation, Intermedia's retail customers may choose any IXC that has established itself as an access customer under the Company's Access Tariff.

As a new entrant whose switches are already capable of providing customer 2-PIC carrier selection, Intermedia will recover the minimal cost of implementing intraLATA toll dialing parity through normal rates. Intermedia will not make specific rate increases or implement an explicit surcharge to recover the cost of toll dialing parity.

### **III. CARRIER SELECTION PROCEDURES**

Intermedia will implement the full 2-PIC carrier selection methodology. With the full 2-PIC methodology, customers will be able to presubscribe to one telecommunications carrier for their interLATA toll calls and to presubscribe to the same or a different participating telecommunications carrier for their intraLATA toll calls.

Processes will be established to provide new customers with an opportunity to choose their intraLATA toll carrier. Company employees who communicate with the public, accept orders and serve in customer service capacities will be trained to explain the availability of 2-PIC intraLATA equal access, and to assist customers in making an initial PIC choice or in changing a PIC choice for intraLATA and interLATA toll calls.

### **IV. CARRIER NOTIFICATION**

IXC's that desire to become access customers shall notify Intermedia via letter or telephone call of their desire to obtain exchange access service information. Intermedia will send each requesting carrier an information package describing Intermedia's service, processes and applicable tariffs. All of Intermedia's switches are available for exchange access service to IXC's and once Intermedia receives and processes an IXC's Access Service Request, that carrier will be added to the list of Intermedia's participating carriers and will be made available to a requesting customer seeking to choose a PIC.

### **V. NEW CUSTOMERS**

Customers who contact Intermedia requesting new telephone exchange service will be informed of the opportunity to choose both an intraLATA and interLATA PIC. If requested by the customer, Intermedia will provide a list of telecommunications carriers that are access customers and are maintaining a relationship with Intermedia under the provision of the Company's Access Services Tariff. The list of intraLATA toll carriers will be presented to customers in a competitively neutral manner.

New customers who do not make a positive choice for an intraLATA toll carrier will be identified within Intermedia's system as "no-PIC" and will not be automatically defaulted to a carrier. New customers identified as "no-PIC" within Intermedia's system will be required to dial the access code of a different carrier to place intraLATA toll calls until they make an affirmative choice for an intraLATA toll carrier.

### **VI. EXISTING CUSTOMERS**

On the date on which intraLATA toll presubscription is available, Intermedia's retail customers may presubscribe to an IXC that is a participating

carrier. Intermedia will notify its existing local customers via a bill insert (see Attachment A) within 30 days after approval of the plan by the TRA. An existing customer who does not make a choice for an intraLATA PIC, after being notified of the choice by Intermedia, will remain with "no-PIC" or whichever carrier it is currently Piced to for intraLATA 1+ and 0+ toll calls.

## **VII. INITIAL PIC REQUEST**

A customer's first PIC change will be at no cost if it is made within 90 days after receiving this notice. Subsequent changes within that timeframe as well as any changes that occur after the 90 days will result in a \$5.00 service fee for the first line and \$1.50 for each additional line.

## **VIII. ANTI-SLAMMING MEASURES**

Intermedia will work with the interexchange carriers ("IXCs") and any customer who has been slammed in order to quickly resolve any disputes. Intermedia will make sure that the customer is Piced back to its carrier of choice, without charge, as soon as possible. Where Intermedia billed for long distance calls to a customer who had been slammed, Intermedia will credit all long distance charges for up to 3 months.



## **Attachment A**

### **IntraLATA Toll Dialing Parity Customer Notification**

Dear Intermedia Local Customer:

Local customers now have a choice regarding who will carry their dialed local toll calls (IntraLATA calls). These are the 1+ and 0+ calls that terminate outside of your local calling area but not in areas normally served by long distance companies (i.e. state-to-state calls). This also includes calls to your home area code directory assistance. Until a recent FCC decision, these calls were handled by your local phone company. If you choose to continue to use Intermedia for these calls, no action is necessary. If you decide to choose another carrier to handle these calls you must contact that carrier in order to make the change. Your first PIC change will be at no cost if it is made within 90 days after receiving this notice. Subsequent changes within that timeframe as well as any changes that occur after the 90 days will result in a \$5.00 service fee for the first line and \$1.50 for each additional line. Please feel free to contact our customer service at 800-250-9999 if you have any questions.